

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

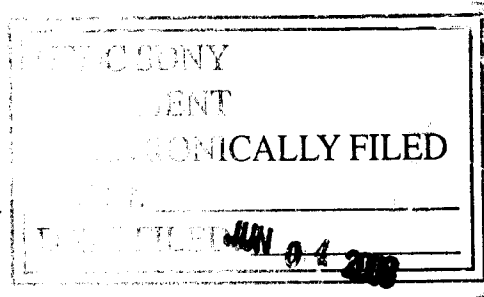
UNITED STATES OF AMERICA

- v. -

CLYDE SMYTH,

Defendant.

08 CRIM 509



COUNT ONE

The Grand Jury charges:

1. From at least in or about October 2002, up to and including in or about June 2003, in the Southern District of New York and elsewhere, CLYDE SMYTH, the defendant, unlawfully, willfully, and knowingly, did embezzle, steal, purloin, and convert to his own use and the use of another, money and things of value, the value of which exceeded \$1,000, of the United States and a department and agency thereof, to wit, the United States Department of Housing and Urban Development ("HUD"), and did receive, conceal, and retain the same with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, CLYDE SMYTH fraudulently obtained a grant from the WTC Employee Training Assistance Program on or about June 12, 2003, by providing false information regarding his business, including with respect to amounts his business had paid to train employees.

(Title 18, United States Code, Section 641.)

Judge Buchwald

COUNT TWO

The Grand Jury further charges:

2. From at least in or about October 2002, up to and including in or about June 2003, in the Southern District of New York and elsewhere, CLYDE SMYTH, the defendant, unlawfully, willfully, and knowingly, did embezzle, steal, purloin, and convert to his own use and the use of another, money and things of value, the value of which exceeded \$1,000, of the United States and a department and agency thereof, to wit, the United States Department of Housing and Urban Development ("HUD"), and did receive, conceal, and retain the same with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, CLYDE SMYTH fraudulently obtained a grant from the WTC Employee Training Assistance Program on or about June 19, 2003, by providing false information regarding his business, including with respect to amounts his business had paid to train employees.

(Title 18, United States Code, Section 641.)

FORFEITURE ALLEGATION

3. As the result of committing the fraud offenses in violation of Title 18, United States Code, Section 641, alleged in Counts One and Two of this Indictment, CLYDE SMYTH, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real

and personal, that constitutes or is derived from gross proceeds traceable to the commission of the said offenses.

Substitute Asset Provision

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and  
Title 28, United States Code, Section 2461)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

CLYDE SMYTH,

Defendant.

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INDICTMENT

08 Cr.

(18 U.S.C. § 641)

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MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL

*Derry Pechon*

Foreperson.

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6-4-08

✓

Filed ~~with~~ Indictment. A/w issued.  
Case assigned to Judge Buchwald.

Pitman  
U.S.M.T.